



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,367	11/29/2001	Jerry Lahti	552.121US01	6955

7590

08/15/2005

Steven R. Funk
Crawford PLLC
1270 Northland Drive
Suite 390
St. Paul, MN 55120

EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,367

Applicant(s)

LAHTI, JERRY

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-50 have been examined.

Response to Arguments

2. In response to Applicant's arguments that Moore does not teach embedding an application server address into the information that is sent to the client, refer to the discussion of Claim 1.

3. In regards to Applicant's arguments that Luna fails to remedy the deficiencies of Moore. This rejection is respectfully traversed. As stated in the previous office action, Moore does not explicitly teach of the limitations of push technology, WAP etc. Luna explicitly teaches on these aspects (Paragraph [0017]), thus remedy the deficiencies of Moore. Applicant further states that Luna is silent on communicating provisioning information that includes addresses of application servers. Applicant is reminded that Luna was not rely on for the above stated limitations.

4. In regards to Applicant's arguments that Dusse is silent in regards to communicating addresses of application servers. Applicant is reminded that Luna was not relied on for that particular limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2142

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,3,4,5,8,,34,46,48,49,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (US 6112244) hereinafter Moore, and further in view of Morimoto et al (US 20020046236) hereinafter Morimoto.

6. In regards to claims 1 and 47 Moore teaches of : Moore explicitly teaches of embedding an application identifier corresponding to the network application, and associated application access parameters(Col 1, lines 54-60) transferring the provisioning information to at least one mobile terminal in connection with a provisioning procedure, into provisioning information; and provisioning the mobile terminal to facilitate access to the network application via the application server identified by the application server address provided with the provisioning information (Col 2, lines 1-22). Moore implicitly teaches of including an application server address. In Col 7, line 1, Moore teaches of client sending a notification receipt to the server, thus inferring that the server sent its address to the client. It is also a fundamental concept of communication protocols to include both destination and source address when transmitting information. For illustration of this fundamental concept, Examiner refers Applicant to a fundamental text, Computer Networking, A Top-Down Approach featuring the Internet by James F Kurose. For convenience the Examiner has provided relevant excerpts in particular Fig 3.4-Fig 3.5. Moore does not explicitly teach of having a plurality of application servers. In an analogous art, Morimoto teaches of having a plurality of application servers (Fig 2). It would have been obvious to one of ordinary

Art Unit: 2142

skill in the art at the time of invention to incorporate the teachings of Morimoto because both inventions relates to facilitating communication using communication networks.

One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications because it would improve the efficiency of the system. Having a plurality of application servers would increase the speed at which users could access information.

7. In regards to claim 8, rejection was set forth in previous office action mailed 3/24/05.

8. In regards to claim 34 Moores teaches of : a provisioning element to provide one or more provisioning files(Col 1, lines 54-57) wherein the provisioning element is the server, wherein at least one of the provisioning files includes an application identifier corresponding to the target application and application access parameters associated with the application identifier(Col 1, lines 54-60), wherein at least one of the application access parameters comprises an application server address; and a mobile terminal pre-configured to recognize the embedded application identifier upon receipt of the provisioning files, and to access the target application at the application server address as prescribed by one or more of the application access parameters associated with the application identifier(Col 2, lines 1-22). Refer to claim 1 regarding a plurality of application servers and motivation.

9. In regard to claim 46, Moore teaches of provisioning server to transmit a data signal embodied in a carrier wave readable by a mobile terminal (Col 1, lines 54-55)and encoding provisioning information, wherein the provisioning information comprises an

application identifier corresponding to a standardized network application hosted by a application server, and wherein the provisioning information comprises application access parameters associated with the application identifier wherein at least one of the application access parameters is an application server address of one application server in which a mobile terminal recipient of the data signal can access the standardized network application(Col 2, lines 1-22). Refer to claim 1 regarding a plurality of application servers and motivation.

10. In regards to claim 48, Moore teaches of an provisioning file including at least an application identifier corresponding to,,,,,(Col 1, lines 53-67) a user agent configured to recognize.....(Col 2, lines 1-30) but does not explicitly teach of accessing a provisioning network. Morimoto teaches on this aspect (Fig 1). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Morimoto because both inventions are analogous art. One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications because this would allow a client to retrieve information as oppose to waiting for information to be delivered which in turn would improve the efficiency of the system.

11. In regards to claim 49, Moore teaches of a memory capable of storing.....and data interface capable of transferring the provisioning file(Col 1, lines 45-67).

12. In regards to claim 2, Moore teaches of pre-configuring a software module at the mobile terminal to recognize the application identifier, and accessing the network application via the application server corresponding to the application server address using the software module(Col 2, lines 1-22) .

Art Unit: 2142

13. In regards to claim 3, Moore teaches of providing one or more user agents at the mobile terminal, and accessing the network application using at least one of the user agents that is pre-configured to recognize the application identifier and to utilize one or more of the associated application access parameters in accessing the network application (Col 2, lines 1-22).

14. In regards to claim 4, Moore teaches of accessing the network application at the addressed application server by the mobile terminal (Col 2, lines 1-22).

15. In regards to claim 5, Moore teaches of transferring the provisioning information comprises transmitting the provisioning information from a provisioning source to the mobile terminal via the network (Fig 1).

16. Claims 6-7,10-13,14-16,17,18,19-24,26-27,30-33,35-39,41-42,44, rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Morimoto as applied to claim 1 above, and further in view of Luna et al (US 20020123335) hereinafter .

17. In regards to claims 6-7,10-13,14-16,18,19-24,26-27,30-33,35-39,41-42,44, the rejections were set forth in the previous office action mailed 3/24/05.

18. In regards to claim 17, Moore teaches of configuring the downloaded application access user agent to recognize the application identifier (Col 4, lines 60-63, Col 5, lines 1-5, Fig.2, item 206).

Art Unit: 2142

19. Claims 28-29,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Morimoto as applied to claim 1 above, and further in view of Dusse.

20. In regards to claims 28-29,45, the rejections were set forth in the previous office action mailed 3/24/05.

21. Claims 25 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Morimoto as applied to claim 1 and 34 above, and further in view of Sigaud (US 6675, 956).

22. In regards to claims 25 and 40 neither Moore nor Morimoto explicitly teach on the limitations. In an analogous art, Sigaud teaches of application identifier comprises an Internet registered port number (Col 1, lines 50-54). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Sigaud because both inventions are analogous art. One of ordinary skill in the art at the time of invention would have been motivated because this would provide additional identification information which would result in improved efficiency.

23. Claims 9, 43, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Moore and Morimoto as applied to claim 1 above, and further in view of Duursma et al (US 6643690) hereinafter Duursma.

Art Unit: 2142

24. In regards to the limitations of claims 9,43, and 50 neither Moore nor Morimoto explicitly teach on these aspects. Duursma teaches of a mobile terminal comprising a smart card (Col 6, lines 25-30). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Duursma because the inventions are analogous arts (all relate to client/server systems). One of ordinary skill in the art at the time of invention would have been motivated to make the above modifications because it adding a smart card would result in a more efficient and versatile mobile device (allowing the user to perform various additional functions).

Conclusion

25. This action is non-final.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER